

## **REMARKS**

Favorable reconsideration and allowance of this application are respectfully requested.

Reconsideration and withdrawal of the restriction requirement advanced in the Official Action of November 8, 2006 is requested in view of the amendments presented above and the remarks below.

### **I. DISCUSSION OF CLAIM AMENDMENTS**

At the outset, the Examiner will observe that the claims have been amended so as to be definitively directed to a product per se – i.e., a biodegradable fibrous support. More specifically, independent claim 21 has been amended so as to clarify that the biodegradable fibrous support for soil mulching comprises a reinforcing grid associated with at least one part of the support, the grid including thread comprised of at least one of the biodegradable polymers recited in the Markush group thereof.

In addition, the claims have been amended so as to be fully commensurate with 35 USC §112, second paragraph.

The various alternative expressions (i.e., the relative positioning of the grid vis-à-vis the support as originally defined in claim 21, and the alternative amounts and components defined in original claims 23, 25, 27 and 33-35) have been presented as new claims 40-49. Each such new claim is however dependent directly or indirectly from independent claim 21 which, as noted previously, defines a biodegradable support per se.

Therefore, claims 21-49 remain pending in this application for which an action on the merits is solicited.

**ii. RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

So applicants may be deemed to be fully responsive to the November 8, 2006 Official Action, the claims of Group II, including original claims 21-23 and 27-39 drawn to a product (fibrous support) are elected for prosecution herein. As noted above, however, since independent claim 21 and all its dependents are now clearly drawn to a product (fibrous support), an examination on the merits of all pending claims 21-49 is believed to be in order.<sup>1</sup>

In response to the asserted election of species, applicants elect for further prosecution the species of Species-IIGBP (prior claim 21) and Species-IISTF (claims 27 and 28). All claims appear to read on the elected species with claims 21-26 and 29-41 and 43-39 being generic thereto.

Favorable action on the merits of all pending claims 21-49 is awaited.

Respectfully submitted,

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<sup>1</sup> Applicants respectfully fail to see how a single independent claim – i.e., prior claim 21 – could possibly have been patentably distinct from itself as asserted in the restriction requirement advanced in the Official Action of November 8, 2006. Specifically, applicants fail to see how a single claim could be considered *not* to be so linked to itself as to form a single general inventive concept. Thus, while prior claim 21 *may* have been objectionable under 35 USC §112, second paragraph, it clearly was not patentably distinct from itself. In any event, the amendments made to independent claim 21 and the claims dependent therefrom render such an issue moot.